

RECEIVED  
CENTRAL FAX CENTER

001

**BEST AVAILABLE COPY**

MAR 16 2005

Attorney Docket No. MTI-31079-A-A-A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : William Budge, et al.  
Serial No. : 10/634,352  
Filing Date : August 5, 2003  
For : Use of Linear Injectors to Deposit Uniform Selective Ozone TEOS  
Oxide Film by Pulsing Reactants On and Off  
Group Art Unit : 2812  
Examiner : Alexander G. Ghyka

## CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

## Mailing

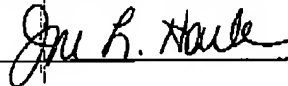
- ☐ deposited with the United States Postal Service in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
37 CFR 1.8(a)
- ☐ with sufficient postage as first class mail ☐ As "Express Mail Post Office to Addressee" Mailing Label No. 37 CFR 1.10

## Transmission

- ☒ transmitted by facsimile to Fax No.: 1-703-872-9306 addressed to Examiner Alexander G. Ghyka at the Patent and Trademark Office.

Date:

March 16, 2005



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

## INTRODUCTORY COMMENTS

Dear Sirs:

This Response replies to the Office Action mailed January 14, 2005.

The Examiner has rejected Claims 69-136 under the judicially-created doctrine of obviousness-type double-patenting over claims 1-56 of USP 6,503,851. Therefore, the Applicant includes a Terminal Disclaimer containing a non-provisional disclaimer over USP 6,503,851.

The Applicant invites the Examiner to charge deposit account number 232053 in the amount of \$110 for the statutory disclaimer fee. The proceedings herein are for a patent application, and the provisions of 37 CFR 1.136 apply. Applicant believes that no extension is

MKE/883867.2

**BEST AVAILABLE COPY**

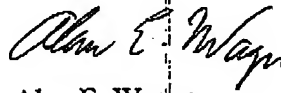
USSN 10/634,352

MTI-31079-A-A-A

due but if Applicant is wrong, Applicant hereby petitions, and requests that any and all applicable charges be charged to Deposit Account No. 232053. In addition, Applicant also makes this petition conditional in case Applicant inadvertently overlooked the need to petition for a different extension of time, in which case Applicant again requests that any and all applicable charges be charged to Deposit Account No. 232053. Applicant intends this authorization to be carried throughout the pendency of this application, in full accordance with 37 CFR 1.136.

The Applicant believes that the above remarks and terminal disclaimer place the application in condition for allowance. Therefore, the Applicant request that the Examiner issue a Notice of Allowance for Claims 69-136.

Respectfully submitted,



Alan E. Wagner  
Registration No. 45188

Dated: March 16, 2005

## P.O. ADDRESS:

WHYTE HIRSCHBOECK DUDEK S.C.  
555 East Wells Street, Suite 1900  
Milwaukee, Wisconsin 53202  
(414) 273-2100  
Customer No. 31870